U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

B5

[redacted]

DATE: OCT 2 2 2012

OFFICE: TEXAS SERVICE CENTER

FILE: [redacted]

IN RE: Petitioner: [redacted]
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

[redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of $630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Mary Johnson

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will dismiss the appeal.

The petitioner seeks classification pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as an alien of exceptional ability in the sciences, the arts or business or as a member of the professions holding an advanced degree. The petitioner seeks employment as a martial arts athlete/instructor. Since 2006, the petitioner has been an instructor at [redacted] Academy in Brentwood, Tennessee. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner has not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

On appeal, the petitioner submits a brief from counsel and several supporting exhibits.

In this decision, the term "prior counsel" shall refer to [redacted] who represented the petitioner at the time the petitioner filed the petition.[1] The term "counsel" shall refer to the present attorney of record.

Section 203(b) of the Act states, in pertinent part:

> (2) Aliens Who Are Members of the Professions Holding Advanced Degrees or Aliens of Exceptional Ability. –
>
> > (A) In General. – Visas shall be made available . . . to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.
> >
> > (B) Waiver of Job Offer –
> >
> > > (i) . . . the Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

[1] [redacted] consented to disbarment effective October 1, 2012. A copy of the August 23, 2012 order is available at http://www.dcbar.org/download.cfm?filename=for_lawyers/ethics/discipline/pdf/court_action/12-BG-1148_mtd (copy added to record October 11, 2012).

The director found that the petitioner qualifies as a member of the professions holding an advanced degree (although the AAO will revisit this issue further below). The director's sole stated basis for denial was that the petitioner had not established that a waiver of the job offer requirement, and thus a labor certification, is in the national interest.

Neither the statute nor the pertinent regulations define the term "national interest." Additionally, Congress did not provide a specific definition of "in the national interest." The Committee on the Judiciary merely noted in its report to the Senate that the committee had "focused on national interest by increasing the number and proportion of visas for immigrants who would benefit the United States economically and otherwise. . . ." S. Rep. No. 55, 101st Cong., 1st Sess., 11 (1989).

Supplementary information to regulations implementing the Immigration Act of 1990 (IMMACT), published at 56 Fed. Reg. 60897, 60900 (November 29, 1991), states:

> The Service [now U.S. Citizenship and Immigration Services (USCIS)] believes it appropriate to leave the application of this test as flexible as possible, although clearly an alien seeking to meet the [national interest] standard must make a showing significantly above that necessary to prove the "prospective national benefit" [required of aliens seeking to qualify as "exceptional."] The burden will rest with the alien to establish that exemption from, or waiver of, the job offer will be in the national interest. Each case is to be judged on its own merits.

Matter of New York State Dept. of Transportation (*NYSDOT*), 22 I&N Dec. 215 (Act. Assoc. Comm'r 1998), has set forth several factors which must be considered when evaluating a request for a national interest waiver. First, the petitioner must show that the alien seeks employment in an area of substantial intrinsic merit. Next, the petitioner must show that the proposed benefit will be national in scope. Finally, the petitioner seeking the waiver must establish that the alien will serve the national interest to a substantially greater degree than would an available U.S. worker having the same minimum qualifications.

While the national interest waiver hinges on prospective national benefit, it clearly must be established that the alien's past record justifies projections of future benefit to the national interest. The petitioner's subjective assurance that the alien will, in the future, serve the national interest cannot suffice to establish prospective national benefit. The inclusion of the term "prospective" is used here to require future contributions by the alien, rather than to facilitate the entry of an alien with no demonstrable prior achievements, and whose benefit to the national interest would thus be entirely speculative.

The AAO also notes that the regulation at 8 C.F.R. § 204.5(k)(2) defines "exceptional ability" as "a degree of expertise significantly above that ordinarily encountered" in a given area of endeavor. By statute, aliens of exceptional ability are generally subject to the job offer/labor certification requirement; they are not exempt by virtue of their exceptional ability. Therefore, whether a given alien seeks classification as an alien of exceptional ability, or as a member of the professions holding

an advanced degree, that alien cannot qualify for a waiver just by demonstrating a degree of expertise significantly above that ordinarily encountered in his or her field of expertise.

The petitioner filed the Form I-140 petition on October 28, 2010. The petitioner submitted various materials to establish "the Benefits of Martial Arts to the US Population." These materials address the intrinsic merit of martial arts, but do not establish that the benefit arising from the work of one athlete/coach is national in scope. Furthermore, by their nature, general background materials do not distinguish the petitioner from others in his field.

Certificates show that the petitioner "earned 1st in Sparring" and "1st in Breaking" at the 4th Yong-In University Presidential Cup International [redacted], and "FORMS 1st Place Gold" at the 21st Annual HMA International [redacted]. Other certificates describe the petitioner's achievements at Yong In University and before. A translated license in the record shows that the beneficiary holds the title of a 2nd Class Umpire. "Dan Certificates" show that the petitioner has attained 4th or 5th level black belts in several martial arts. These materials establish that the petitioner has some expertise in martial arts, but they do not self-evidently address the issue of the national interest waiver. No statute or regulation has established a blanket waiver for martial artists above a given dan level.

A section of the record marked "Press Materials Referring to [the petitioner's] Services" contains only one document – a photocopied print advertisement for Yong In Martial Arts Academy, listing two locations south of Nashville, Tennessee (one in Franklin, one in Brentwood). The petitioner's name does not appear in the advertisement.

The petition included several witness letters. The highest-profile witness appears to be [redacted] "a [redacted], and [redacted]; the record includes various materials establishing [redacted] reputation in the field. His letter, however, is little more than a list of the petitioner's various credentials in the martial arts of Yongmoodo, Judo, Kumdo and Taekwondo, with [redacted] assertion that the petitioner "is an accomplished and internationally recognized athlete/coach" who has had a "distinguished career in the field of Martial Arts. The evidence regarding [redacted] reputation and acclaim does not indirectly reflect on the petitioner. Rather, it shows the extent to which a martial arts expert can achieve visibility and recognition in his or her field, without showing that the petitioner has approached that level.

Like [redacted], the remaining witnesses expressed confidence in the petitioner's abilities as a martial artist but provided few details. [redacted] of Yong In University (where the petitioner earned his bachelor's and master's degrees), said that the petitioner, as a student, "was extremely quick to learn and communicate the concepts of [the university's] programs." [redacted] stated: "[the petitioner] was one of my most talented students. . . . He is both professionally and academically sound in his chosen field of specialization, namely, Physical Education." [redacted] concluded that the petitioner "will be an incredible asset to the United States of America. Specifically by teaching healthy lifestyle and various martial arts techniques."

Several witnesses own martial arts schools in Kentucky and Tennessee. [redacted] and [redacted], Bartlett, Tennessee, praised the petitioner's "humble attitude along with a willingness to try hard and accomplish whatever he sets his mind to."

[redacted], Erlanger, Kentucky, stated:

> I have known and worked with [the petitioner] over the last four years, and have found him to be of impeccable personal character and a highly skilled and able martial arts instructor, whose professionalism knows no bounds. An accomplished scholar and martial arts expert in his own right, [the petitioner] has demonstrated an incredible depth of knowledge in his field as well as an innate ability to transfer his skills and knowledge to students of all ages and abilities.

[redacted] with four locations in Louisville, Kentucky, stated that the petitioner "is internationally recognized in our sport as a top athlete and instructor. Few individuals in his generation surpass his record of achievement." [redacted] however, provided no further details.

A number of witnesses have no evident expertise in martial arts. [redacted] with Promega Corporation," stated:

> I have known [the petitioner] for approximately one year and have been nothing but impressed by his skill, ability, knowledge, and demeanor during that time. . . . I am very impressed with his ability to connect with students and utilize his understanding of their individualized strengths and weaknesses to help them achieve their goals.

[redacted] (who lists the same residential address as [redacted] stated:

> [The petitioner] has proven himself to be a master of his field and possessing the professional attributes that one would hope for in any United States citizen. I have been a student of [the petitioner] for nearly one year. . . . His advanced training and knowledge of kinesiology, physical education, and martial arts set him apart, even among his peers.

Three witnesses (including a realtor and an automobile salesman) signed separate copies of the same letter that reads:

> This letter is written to show my strong support for the subject individual. I have known [the petitioner] for about 1.5 years. I interact with him on an almost daily basis. I have always found him to be most professional in his job and his dealings with his social environment. He is hard working, sincere, dedicated and expresses a strong desire to see his customers succeed in their objectives.

> [The petitioner] is extremely friendly, outgoing, and makes those around him feel at ease. He is honest and trustworthy in his dealings with others and makes others respond to him in the same fashion.
>
> I support [the petitioner] in his endeavors and offer these comments to help a very worthy young man move forward with his life's goals.

The letters establish that the petitioner has earned the respect of his colleagues and others, but most of the letters provide minimal information about what sets the petitioner apart from others in his field. [redacted] pointed to the petitioner's "advanced training and knowledge of kinesiology, physical education, and martial arts," but this amounts to praise for the petitioner's background which does not point to any specific accomplishments.

On August 17, 2011, the director issued a request for evidence, instructing the petitioner to submit further documentation to meet the guidelines spelled out in *NYSDOT*. The director acknowledged the witness letters, but found that they lack evidence of the petitioner's influence on his field.

In response, the petitioner submitted evidence describing how martial arts training can help children with problems ranging from bullying to obesity to autism to cancer. Prior counsel asserted that "self-defense techniques" also help women fend off attackers and domestic abusers. As before, these materials address the intrinsic merit of the petitioner's occupation but do not establish the national scope of the benefit from the work of one coach.

In an effort to show how he stands apart from others in his field, the petitioner submitted additional letters. Prior counsel stated that these letters are "from experts outside and inside [the petitioner's] circle," including highly qualified masters. The qualifications of these experts, however, mean little when their letters offer minimal information about the petitioner. A letter from [redacted] for instance, contains 11 sentences about [redacted] own background, followed by two sentences about the petitioner: "My qualifications allow me to highly recommend [the petitioner] in the martial arts. He has been dedicated to building better lives for others through his martial arts skills."

Letters from other witnesses contain scarcely more detail about the petitioner's achievements. [redacted] and head coach of the 2000 United States Olympic team, offered strong praise for the petitioner, but entirely in the form of generalities, such as: "I . . . consider his current efforts and continued dedication as a useful contribution to bilateral cultural exchange between the United States and South Korea. Through his efforts he demonstrates a desire to continue his lifelong pursuit of teaching and preserving the history and fine traditions of martial arts."

Similarly, [redacted] stated that the petitioner's "credentials are impeccable, his education, dedication and character are above reproach. [The petitioner] demonstrates on a daily

basis the meaning of the art of Tae Kwon Do." The petitioner submitted numerous similar letters from martial arts instructors as well as local public figures such as a member of the Tennessee state senator and a state circuit court judge. Such letters are inherently inadequate to qualify the petitioner for the national interest waiver, regardless of their quantity or the qualifications of those who signed them. USCIS must consider not by the quantity of evidence alone, but also its quality. *See Matter of E-M-*, 20 I&N Dec. 77, 80.

Some witnesses described the effect of the petitioner's work on themselves or children whom they knew. [redacted] and [redacted] are teachers who state that their students became more focused and disciplined after those students took lessons from the petitioner. Similarly, [redacted] stated that the petitioner "has been **highly instrumental** in the life of [a] young boy" with "a medical history of Developmental Delays, which have included delayed motor skills, balance, focus and attention." The petitioner also submitted letters from the parents of several of his students, detailing how the petitioner has helped the children. The petitioner, however, had also submitted background evidence citing these types of improvements as general reasons for children to study martial arts. If these improvements are inherent to the study of martial arts, then anecdotal reports of such results do not distinguish the petitioner from others in the field.

The director denied the petition on February 6, 2012. The director quoted examples of witness letters, and stated: "The letters of support provided are letters of reference and testimonial of the beneficiary's knowledge and expertise in martial arts. However the letters do not demonstrate that the beneficiary has had an impact on the field of martial arts." The director also concluded that the petitioner had not shown that the petitioner's activities with his present employer have provided a benefit that is national in scope.

On appeal, counsel notes that the petitioner entered the United States under a "P-1A nonimmigrant visa . . . granted based on his accomplishments and distinguished career in the field of martial arts." There is no nonimmigrant classification that presumptively qualifies an alien for the national interest waiver. Counsel cites the regulations in the subsections of 8 C.F.R. § 214.2(p)(4)(ii)(B)(2), which list the criteria by which an athlete can establish "an internationally recognized reputation as an international athlete." The AAO notes that the petitioner entered the United States as a P-1A nonimmigrant on May 13, 2008. He filed the present Form I-140 petition almost two and a half years later. The record is devoid of evidence that the petitioner's activities during that time served to maintain an internationally recognized reputation as an international athlete. Instead, he has taught martial arts to children and amateurs. The record before the AAO contains no evidence that readily suggests the petitioner has continued "to perform services which require an internationally recognized athlete," which is the regulatory standard for P-1A nonimmigrant athletes. *See* 8 C.F.R. § 214.2(p)(4)(i)(A).

Counsel then addresses the three prongs of the *NYSDOT* national interest test. The intrinsic merit of the petitioner's occupation is not in dispute, and so requires no detailed discussion here. In terms of national scope, counsel points to national efforts to combat childhood obesity, autism, and other ills that martial arts training may affect. These assertions, however, do not establish that the work of a single

martial arts instructor has a national effect. Rather, the benefit appears to be largely restricted to the petitioner's individual students.

Counsel maintains that the director failed to give due weight to the witness letters. The opinions of experts in the field are not without weight and have received consideration above. USCIS may, in its discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, USCIS is ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of letters from experts supporting the petition is not presumptive evidence of eligibility; USCIS may, as above, evaluate the content of those letters as to whether they support the alien's eligibility. USCIS may even give less weight to an opinion that is not corroborated, in accord with other information or is in any way questionable. *See id.* at 795; *see also Matter of V-K-*, 24 I&N Dec. 500, 502 n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). *See also Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg'l Comm'r 1972)).

As noted previously, the letters from high-ranking martial artists contain negligible information about the petitioner's contributions or influence on his field. The witnesses simply expressed confidence in the petitioner's abilities as an instructor. A new letter, submitted on appeal, continues this pattern. [redacted] states that the petitioner "has contributed numerous techniques to the Martial Art of Judo," but offers no information about what those techniques are. [redacted] likewise states that the petitioner "creates different techniques for different ages of students" but, once again, this letter is devoid of specific details.

The appeal includes a second letter from [redacted] stating that the petitioner "has developed techniques that are instrumental in transitioning the Martial Arts athlete. His techniques introduce hand movements that lead the student easily into the forms of the martial art." This witness's first letter contained no mention of these techniques (to be discussed further below).

Counsel takes issue with the director's conclusion that the letters are "general" in nature, asserting that the petitioner "submitted over 30 letters that describe with specificity the benefits his students have received after taking his martial arts classes." To do this, however, counsel shifts the focus from the "expert" letters to the letters from teachers and parents. Counsel, thus, relies on the reputations of one set of witnesses, and on the level of detail in letters from a second, completely different set of witnesses. The non-expert witnesses did, indeed, provide information about the effect of the petitioner's work on individual students, but this effect is limited and local. The petitioner has not shown that it is in the national interest to ensure that he, rather than another qualified instructor, be the one to continue instructing these particular students.

Counsel states that the petitioner "has developed hand techniques that he has not only exhibited to other studios throughout the country but also are being incorporated by other Masters in their classes." [redacted] new letter contains a brief mention of these techniques. Prior to the appeal, the petitioner had made no claim to have innovated new methods, adopted by others. Neither

the petitioner nor counsel explains why this information did not come to light in response to the request for evidence, in which the director had specifically solicited evidence of the petitioner's influence on others in his field.

The petitioner indicates that he "developed these techniques over a period of 6-12 months," but does not specify when that period was. Again, he did not mention these techniques in his October 2010 petition or his response to the August 2011 request for evidence. The petitioner submits "[l]etters from three studios in Ohio, New Jersey and Virginia that have incorporated the hand techniques developed by [the petitioner]," but these letters (all dated March 2012) do not say when the studios adopted the techniques.

Before the appeal, the petitioner never claimed to have invented influential new instructional techniques in martial arts. (Even counsel's own three-page preliminary appellate statement contains no mention of the new hand techniques.) Therefore, the director cannot possibly have taken those techniques into account when rendering the decision. The director's failure to anticipate a future claim by the petitioner is not an adjudicative error that would warrant reversal on appeal.

An applicant or petitioner must establish that he or she is eligible for the requested benefit at the time of filing the application or petition. 8 C.F.R. § 103.2(b)(1). Therefore, subsequent events cannot cause a previously ineligible alien to become eligible after the filing date. *See Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971). A petitioner may not make material changes to a petition that has already been filed in an effort to make an apparently deficient petition conform to USCIS requirements. *See Matter of Izummi*, 22 I&N Dec. 169, 175 (Comm'r 1998). Here, the petitioner has introduced an entirely new element into his waiver claim. Even then, the record contains minimal evidence to show that others in the field consider the new hand technique to be a significant improvement over methods already in use.

The petitioner submits a copy of his master's thesis. Authorship of a thesis appears to be a basic requirement for completion of a master's degree; its existence does not distinguish the petitioner from others who hold that degree.

The petitioner also submits an exhibit described as a "Journal article about [redacted] and [the petitioner] in the Tennessean Brentwood Journal dated . . . March 28, 2012." The article appeared not in a journal, but in a local daily newspaper with the word "Journal" in its name. The anonymously written article, "Olympic Judo expert visits Brentwood martial arts academy," focuses mostly on [redacted] "a Sixth Ring Member of the United States Olympic Committee." The portion of the article dealing with the petitioner reads:

> During his visit, [redacted]. . . praised [the petitioner] for his superb teaching and discipline skills and congratulated [the petitioner], who has distinguished himself in his contributions to judo and taekwondo in the United States.

> [redacted] recognized the innovative techniques developed by [the petitioner], which allow him to demonstrate to his students that focus, hard work and due diligence are indispensable to achieve goals.

The article, which appeared in print seven weeks after the director denied the petition, continues the pattern of crediting the petitioner with developing an innovative technique, while providing no information about that technique. The article does not change the finding that mention of the petitioner's new technique is a late addition to the record rather than an integral element of the national interest waiver presented to the director in the initial filing and subsequent response to the request for evidence.

On the basis of the evidence submitted, the petitioner has not established that a waiver of the requirement of an approved labor certification will be in the national interest of the United States.

Beyond the director's decision, the record reveals another area of concern. The AAO may deny an application or petition that fails to comply with the technical requirements of the law even if the Service Center does not identify all of the grounds for denial in the initial decision. *See Spencer Enterprises, Inc. v. United States*, 229 F. Supp. 2d 1025, 1043 (E.D. Cal. 2001), *aff'd*, 345 F.3d 683 (9th Cir. 2003); *see also Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004) (noting that the AAO conducts appellate review on a *de novo* basis).

In filing the petition, the petitioner did not specify whether he sought classification as a member of the professions holding an advanced degree or as an alien of exceptional ability in the sciences, the arts or business. Prior counsel left the question open, stating that the petitioner "is a member of the professions holding an advanced degree or an alien of exceptional ability."

The director, in the denial notice, stated: "the beneficiary holds a Master's degree in Physical Education from Yong In University. Therefore, the beneficiary is qualified as a person holding an advanced degree." The statutory standard, however, is not "a person holding an advanced degree." Rather, such persons must also be "members of the professions." *See* section 203(b)(2)(A) of the Act. The USCIS regulation at 8 C.F.R. § 204.5(k)(2) defines a "profession" as "one of the occupations listed in section 101(a)(32) of the Act, as well as any occupation for which a United States baccalaureate degree or its foreign equivalent is the minimum requirement for entry into the occupation."

"Martial arts athlete/instructor" is not one of the occupations listed at section 101(a)(32) of the Act. The petitioner submitted no evidence to show that the occupation of "martial arts athlete/instructor" is a profession, requiring at least a bachelor's degree for entry into the occupation. On Form I-140, the petitioner listed his occupation's SOC (standard occupational classification) code as 25-3021. According to the O*NET database, created for the Department of Labor's Bureau of Labor Statistics (BLS), that SOC code corresponds to "self-enrichment education teachers," a category that includes martial arts instructors and others who "[t]each or instruct courses other than those that normally lead to an occupational objective or degree."

The BLS's *Occupational Outlook Handbook* reports that "entry-level education" for a self-enrichment teacher is a "[h]igh school diploma or equivalent."[2] O*NET reports that only 20% of survey respondents required at least a bachelor's degree for such teachers.[3] Thus, there is no basis to conclude that the petitioner's occupation meets the regulatory definition of a profession.

Furthermore, the USCIS regulation at 8 C.F.R. § 204.5(k)(3)(i)(A) requires the petitioner to submit "[a]n official academic record showing that the alien has an United States advanced degree or a foreign equivalent degree." The petitioner's master's degree is from a university in Korea. The record contains no evaluation showing that the degree is equivalent to a United States advanced degree.

For the above reasons, the AAO will withdraw the director's finding that the petitioner qualifies as a member of the professions holding an advanced degree. There remains the question of whether the petitioner qualifies, instead, as an alien of exceptional ability in the sciences, the arts or business. Some of the exhibits submitted by the petitioner appear to relate to evidentiary standards of exceptional ability spelled out in the USCIS regulation at 8 C.F.R. § 204.5(k)(3)(ii). Nevertheless, the initial determination on this question is the responsibility of the director rather than the AAO. Therefore, the AAO will not attempt a detailed discussion of the issue here. Furthermore, a finding of exceptional ability would not overcome the denial of the national interest waiver, and therefore it would serve no practical purpose to remand the decision to the director for an initial finding on the exceptional ability issue.

The AAO will dismiss the appeal for the above stated reasons, with each considered as an independent and alternative basis for dismissal. In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not met that burden.

ORDER: The appeal is dismissed.

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[2] Source: http://www.bls.gov/ooh/education-training-and-library/self-enrichment-teachers.htm (printout added to record October 10, 2012).

[3] Source: http://www.onetonline.org/link/summary/25-3021.00 (excerpts added to record October 10, 2012).